

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JIMI ROSE,</b>	)	<b>CIVIL RIGHTS ACTION</b>
<b>Plaintiff</b>	)	
<b>vs.</b>	)	<b>No. 02-CV-3842</b>
	)	
<b>CITY OF ALLENTOWN, and</b>	)	<b>JURY TRIAL DEMANDED</b>
<b>ZONING HEARING BOARD OF</b>	)	
<b>THE CITY OF ALLENTOWN,</b>	)	
<b>Defendants</b>	)	

**AFFIDAVIT OF FRANCIS P. BURIANEK, ESQUIRE**  
**RE: 2004 ZONING APPEAL**

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I, Francis P. Burianek, Esquire, swear that the following facts are true and correct:

1. I am an Assistant City Solicitor with the City of Allentown.
2. I have been an Assistant City Solicitor since 1979.
3. I have been personally involved with the various zoning appeals filed by Mr. Jimi Rose.
4. The attached are true and correct copies of the decisions, appeals, briefs, and opinions filed and/or rendered in the 2004 zoning matter:

**Exhibits**

- 3A. Decision of the Zoning Hearing Board (January 27, 2004).
- 3B. Rose Notice of Land Use Appeal, asserting in Paragraph 8:

- a. Free Speech;
  - b. Equal Protection;
  - c. Pennsylvania law;
  - d. Non-Conforming Use;
  - e. Oral Agreement;
  - f. Race Discrimination;
  - g. Violation of United States and Pennsylvania Constitutions.
- 3C. Rule and Motion.
- 3D. Letter to Court (March 16, 2004).
- 3E. Brief for Appellant.
- 3F. Correspondence.
- 3G. Appellant's Reply Brief.
- 3H. Appellant's Reply to Brief of Intervenor.
- 3I. Appellant's Reply and New Matter.
- 3J. Appellant's Reply Brief.
- 3K. Correspondence to Court (August 27, 2004).
- 3L. Correspondence from Court (September 9, 2004).
- 3M. Correspondence to Court (November 16, 2004).
- 3N. Order and Opinion of the Court of Common Pleas (November 19, 2004).

I swear that the foregoing facts are true.

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Francis P. Burianek, Esquire

SWORN TO and Subscribed  
before me, this            day  
of                            , 2005.

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Notary Public